

IN THE DISTRICT COURT OF OKFUSKEE COUNTY
STATE OF OKLAHOMA

TRUDY ASHLEY,)
)
Plaintiff,)
)
Vs.) CASE NO. CJ-2012-25
)
FAMILY HERITAGE LIFE INSURANCE)
COMPANY OF AMERICA,)
)
Defendant.)

FILED

MAY 25 2012

KAY ADAMS, COURT CLERK
OKFUSKEE COUNTY, OKLA.

BY: _____

PLAINTIFF'S ORIGINAL PETITION

Plaintiff, for her original petition against the above named defendant, hereby states and alleges as follows:

1. Plaintiff purchased a policy from defendant which provided benefits to plaintiff for an accidental injury, referred to by defendant as "InjurCare".

2. On or about May 17, 2011, while the policy was in full force and effect, plaintiff submitted a claim for accidental injury pursuant to the policy. On June 22 and June 29, 2011 defendant acknowledged the claim and requested that plaintiff provide specific itemizations from her medical providers versus obtaining a medical authorization and obtaining the specific information defendant claimed it needed in order to process the claim.

3. On December 22, 2011 the defendant denied plaintiff's claim stating there "is not conclusive evidence" that the injury she sustained was as a result of an accident although plaintiff advised the defendant that the injury was indeed from an accident.

4. Plaintiff supplied the defendant with a letter from her physician on or about January 3, 2012 stating:



January 03, 2012

CLAYTON W. FLANARY DO
2401 W MAIN - HENRYETTA OK 744374013
Phone: (918)652-0650 Fax: (918)652-7827

re: TRUDY ASHLEY
RT 2 BOX 67
OKEMAH, OK 74859

To Whom It May Concern,
POLICY NUMBER 446077-4

RT SHOULDER INCIDENT IS DUE TO AN INJURY. IF YOU HAVE ANY QUESTIONS PLEASE FEEL
FREE TO CONTACT MY OFFICE.

Sincerely,

A handwritten signature in cursive script that reads "Clayton Flanary".

CLAYTON W. FLANARY DO

5. Defendant did not contact her treating physician to clarify any questions concerning the nature of plaintiff's medical condition but continued to deny her claim on January 25, 2012 by advising in writing, "The letter and medical records that we have from Clayton W. Flanary DO do not indicate that your condition was a direct result of a Covered Accident". The statement was false based on the specific assertion of Dr. Flanary, as that statement appears in the 1/3/2012 correspondence, as well as the supplemental physician's statement he completed at defendant's request.

6. Plaintiff has in good faith complied with the defendant's demands for information and "appeal" procedures in order to receive benefits as outlined in the policy however defendant has wrongfully and in bad faith denied her benefits.

7. Defendant has construed or misconstrued information in a manner to avoid paying benefits under the policy, has failed to conduct a reasonable and thorough investigation

and evaluation of plaintiff's claim and has demanded that plaintiff produce "conclusive evidence" to establish her claim, which is inconsistent with the applicable policy language.

8. As a result of defendant's bad faith conduct and breach of its contractual obligations, plaintiff has sustained economic, financial and emotional damages for which she is entitled to compensation.

Wherefore, plaintiff demands judgment against the defendant in an amount in excess of the amount required for diversity of jurisdiction and for any other relief that she may be entitled to in law and equity.

Respectfully submitted by:



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JURY TRIAL DEMANDED
ATTORNEY LIEN CLAIMED